

# HOUSE BILL No. 1408

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-19-6; IC 9-30-3-6.

**Synopsis:** Vehicle equipment violations. Provides that operating a vehicle that does not meet a requirement of the law concerning head lamps, tail lamps, stop lamps, and other equipment is a Class D infraction (rather than a Class C infraction). Provides that an individual who receives a citation for operating a vehicle that does not meet a requirement of the law concerning head lamps, tail lamps, stop lamps, and other equipment does not commit an infraction if, not more than seven days after the date on which the citation is issued, the individual provides written proof to the police department of the police officer who issued the citation that the equipment violation on which the citation was based has been repaired. Makes conforming changes.

**Effective:** July 1, 2007.

**Pond**

January 16, 2007, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1408

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-19-6-24 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) This section  
3 does not apply to:

4 (1) a person who owns or operates a vehicle or combination of  
5 vehicles that:

6 (1) (A) contains parts and accessories; and

7 (2) (B) is equipped;

8 as required under regulations of the United States Department of  
9 Transportation; or

10 (2) a person who operates a vehicle that does not meet a  
11 requirement of section 3, 4, 17, or 20 of this chapter.

12 (b) A person who violates this chapter commits a Class C infraction.

13 SECTION 2. IC 9-19-6-25 IS ADDED TO THE INDIANA CODE  
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2007]: Sec. 25. (a) This section applies to a person who operates  
16 a vehicle that does not meet a requirement of one (1) of the  
17 following:

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(1) Section 3 of this chapter.

(2) Section 4 of this chapter.

(3) Section 17 of this chapter.

(4) Section 20 of this chapter.

(b) A person who operates a vehicle that does not meet a requirement of section 3, 4, 17, or 20 of this chapter commits a Class D infraction.

(c) Notwithstanding subsection (b), a person who:

(1) operates a vehicle that does not meet a requirement of section 3, 4, 17, or 20 of this chapter; and

(2) is issued a citation (as defined in IC 9-28-2-1) under subsection (b) for operating the vehicle;

does not commit an infraction if, not more than seven (7) days after the date on which the citation is issued, the person provides written proof to the police department of the police officer who issued the citation that the equipment violation on which the citation was based has been repaired.

SECTION 3. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) In traffic cases, the information and summons shall be in substantially the following form:

In the \_\_\_\_\_ Court of \_\_\_\_\_ County

Cause No. \_\_\_\_\_ Docket No. \_\_\_\_\_

Page No. \_\_\_\_\_

State of Indiana

SS: \_\_\_\_\_ No. \_\_\_\_\_

County of \_\_\_\_\_

#### INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his the officer's oath says that:

On the \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_ M

Name \_\_\_\_\_

Last First Middle

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Race \_\_\_\_ Sex \_\_\_\_ Age \_\_\_\_ D.O.B. \_\_\_\_ HT \_\_\_\_ WT \_\_\_\_

Oper. Lic. # \_\_\_\_\_ St. \_\_\_\_ Did Unlawfully

Operate Veh. Color \_\_\_\_\_ Veh. Yr. \_\_\_\_ Veh. Make \_\_\_\_\_

Veh. Lic. Yr. \_\_\_\_ Veh. Lic. St. \_\_\_\_ Veh. Lic. # \_\_\_\_\_

Upon, (Location) \_\_\_\_\_

A PUBLIC STREET OR HIGHWAY IN \_\_\_\_\_

COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:



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CONTRARY TO THE FORM OF THE ( ) STATE STATUTE  
( ) LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.  
OFFICER'S SIGNATURE \_\_\_\_\_

I.D. No. \_\_\_\_\_ Div. Dist. \_\_\_\_\_

POLICE AGENCY \_\_\_\_\_

Subscribed And Sworn to Before Me  
(Deputy Clerk) \_\_\_\_\_

This \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_

COURT APPEARANCE

I PROMISE TO APPEAR IN COURTROOM

ADDRESS: \_\_\_\_\_

ON \_\_\_\_\_ THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_ AT  
\_\_\_\_ M. OR BE SUBJECT TO ARREST.

SIGNATURE \_\_\_\_\_

"YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"

**IF YOU HAVE BEEN CHARGED WITH A VIOLATION OF  
IC 9-19-6-3, IC 9-19-6-4, IC 9-19-6-17, OR IC 9-19-6-20, YOU  
WILL NOT BE FOUND TO HAVE COMMITTED AN  
INFRACTION IF, NOT MORE THAN SEVEN (7) DAYS AFTER  
THE DATE OF THIS CITATION, YOU PROVIDE WRITTEN  
PROOF TO THE POLICE DEPARTMENT OF THE POLICE  
OFFICER WHO ISSUED THIS CITATION THAT THE  
EQUIPMENT VIOLATION ON WHICH THIS CITATION IS  
BASED HAS BEEN REPAIRED.**

The information and summons shall consist of four (4) parts:

- (1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;
- (2) the court copy, printed on white paper;
- (3) the police record, which shall be a copy of the information, printed on pink paper; and
- (4) the summons copy, printed on white stock.

The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # \_\_\_\_\_

DATE \_\_\_\_\_

COURT ACTION AND OTHER ORDERS

BAIL \$ \_\_\_\_\_

REARREST BOND \$ \_\_\_\_\_ DATE \_\_\_\_\_

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1 1. CONTINUANCE TO \_\_\_\_ 4. CONTINUANCE TO \_\_\_\_  
2 2. CONTINUANCE TO \_\_\_\_ 5. CONTINUANCE TO \_\_\_\_  
3 3. CONTINUANCE TO \_\_\_\_ 6. CONTINUANCE TO \_\_\_\_  
4 Motions Date Ruling Date  
5 1. \_\_\_\_  
6 2. \_\_\_\_  
7 3. \_\_\_\_  
8 4. \_\_\_\_  
9 PLEA ☐ GUILTY  
10 ☐ NOT GUILTY  
11 FINDING ☐ GUILTY  
12 ☐ NOT GUILTY  
13 THE COURT THEREFORE, ENTERS  
14 THE FOLLOWING ORDER  
15 FINE \$ \_\_\_\_\_ AMOUNT SUSP. \$ \_\_\_\_\_  
16 (STATE) \$ \_\_\_\_\_  
17 COSTS  
18 (CITY) \$ \_\_\_\_\_  
19 \_\_\_\_\_ DAYS IN \_\_\_\_\_ DAYS SUSP.  
20 \_\_\_\_\_  
21 ☐ RECOMMENDED LICENSE SUSPENDED FOR \_\_\_\_\_  
22 ☐ PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR  
23 PROBATION  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 JUDGE: \_\_\_\_\_  
29 DATE: \_\_\_\_\_  
30 ATTORNEY FOR DEFENDANT \_\_\_\_\_  
31 ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_  
32 WITNESSES  
33 \_\_\_\_\_  
34 \_\_\_\_\_  
35 The notice, the appearance, the plea of either guilty or not guilty,  
36 and the waiver shall be printed on the summons. The trimmed size of  
37 the paper and stock on which the form is printed shall be nominally  
38 four and one-quarter (4 1/4) inches by eight and one-quarter (8 1/4)  
39 inches.  
40 (b) In civil traffic cases, the complaint and summons shall be in  
41 substantially the following form:  
42 In the \_\_\_\_\_ Court of \_\_\_\_\_ County

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Cause No. \_\_\_\_\_ Docket No. \_\_\_\_\_

Page No. \_\_\_\_\_

State of Indiana

SS: No. \_\_\_\_\_

County of \_\_\_\_\_

### COMPLAINT AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon ~~his~~ **the officer's** oath says that:

On the \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_ M

Name \_\_\_\_\_

Last First Middle

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Race \_\_\_\_ Sex \_\_\_\_ Age \_\_\_\_ D.O.B. \_\_\_\_\_ HT \_\_\_\_ WT \_\_\_\_

Oper. Lic. # \_\_\_\_\_ St. \_\_\_\_\_ Did Unlawfully

Operate Veh. Color \_\_\_\_\_ Veh. Yr. \_\_\_\_ Veh. Make \_\_\_\_\_

Veh. Lic. Yr. \_\_\_\_ Veh. Lic. St. \_\_\_\_ Veh. Lic. # \_\_\_\_\_

Upon, (Location) \_\_\_\_\_

A PUBLIC STREET OR HIGHWAY IN \_\_\_\_\_

COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CONTRARY TO THE FORM OF THE ( ) STATE STATUTE  
( ) LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.

OFFICER'S SIGNATURE \_\_\_\_\_

I.D. No. \_\_\_\_\_ Div. Dist. \_\_\_\_\_

POLICE AGENCY \_\_\_\_\_

Subscribed And Sworn to Before Me

(Deputy Clerk) \_\_\_\_\_

This \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_

### COURT APPEARANCE

I PROMISE TO APPEAR IN \_\_\_\_\_

COURTROOM \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ON \_\_\_\_\_ THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

AT \_\_\_\_ M. OR BE SUBJECT TO ARREST.

SIGNATURE \_\_\_\_\_

"YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"

**IF YOU HAVE BEEN CHARGED WITH A VIOLATION OF**

**IC 9-19-6-3, IC 9-19-6-4, IC 9-19-6-17, OR IC 9-19-6-20, YOU**

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1 **WILL NOT BE FOUND TO HAVE COMMITTED AN**  
 2 **INFRACTION IF, NOT MORE THAN SEVEN (7) DAYS AFTER**  
 3 **THE DATE OF THIS CITATION, YOU PROVIDE WRITTEN**  
 4 **PROOF TO THE POLICE DEPARTMENT OF THE POLICE**  
 5 **OFFICER WHO ISSUED THIS CITATION THAT THE**  
 6 **EQUIPMENT VIOLATION ON WHICH THIS CITATION IS**  
 7 **BASED HAS BEEN REPAIRED.**

8 The complaint and summons shall consist of four (4) parts:

- 9 (1) the original copy, printed on white paper, which shall be the  
 10 abstract of court record for the Indiana bureau of motor vehicles;  
 11 (2) the court copy, printed on white paper;  
 12 (3) the police record, which shall be a copy of the complaint,  
 13 printed on pink paper; and  
 14 (4) the summons copy, printed on white stock.

15 The reverse sides of the complaint and abstract of court record shall  
 16 be substantially as follows, with such additions or deletions as are  
 17 necessary to adapt the form to the court involved:

18 RECEIPT # \_\_\_\_\_

19 DATE \_\_\_\_\_

20 **COURT ACTION AND OTHER ORDERS**

21 BAIL \$ \_\_\_\_\_

22 REARREST BOND \$ \_\_\_\_\_ DATE \_\_\_\_\_

- 23 1. CONTINUANCE TO \_\_\_\_\_ 4. CONTINUANCE TO \_\_\_\_\_  
 24 2. CONTINUANCE TO \_\_\_\_\_ 5. CONTINUANCE TO \_\_\_\_\_  
 25 3. CONTINUANCE TO \_\_\_\_\_ 6. CONTINUANCE TO \_\_\_\_\_

	Motions	Date	Ruling	Date
27 1.	___	___	___	___
28 2.	___	___	___	___
29 3.	___	___	___	___
30 4.	___	___	___	___

31 PLEA ☐ ADMIT  
 32 ☐ DENY  
 33 ☐ NOLO CONTENDERE

34 FINDING ☐ JUDGMENT FOR PLAINTIFF  
 35 ☐ JUDGMENT FOR DEFENDANT

36 THE COURT THEREFORE, ENTERS  
 37 THE FOLLOWING ORDER

38 FINE \$ \_\_\_\_\_ AMOUNT SUSP. \$ \_\_\_\_\_  
 39 (STATE) \$ \_\_\_\_\_

40 COSTS

41 (CITY) \$ \_\_\_\_\_

42 ☐ RECOMMENDED LICENSE SUSPENDED FOR \_\_\_\_\_

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( ) PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR  
PROBATION

JUDGE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTORNEY FOR DEFENDANT \_\_\_\_\_

ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

WITNESSES

The notice, appearance, plea of either admission, denial, or nolo contendere shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one-quarter (4 1/4) inches by eight and one-quarter (8 1/4) inches.

(c) The complaint form shall be used in traffic cases, whether the charge is made by a law enforcement officer or by any other person.

(d) Each judicial officer or police authority issuing traffic complaints and summons:

(1) is responsible for the disposition of all the traffic complaints and summons issued under the authority of the officer or authority; and

(2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

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